



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MKM:TH/MKP
F. #2017R01840

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 14, 2018

By ECF

The Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Keith Raniere, et al.
Criminal Docket No. 18-204 (S-1) (NGG) (VMS)

Dear Judge Scanlon:

The government respectfully submits this letter, in accordance with the Court's order of December 7, 2018 (DE 231), to identify issues relating to the defendants' Clare Bronfman, Nancy Salzman and Keith Raniere's assertions of attorney-client privilege that will necessitate briefing and/or a hearing notwithstanding continuing discussions between the government and defense counsel. At present, the government has identified the following areas of dispute, which relate to whether any valid privilege exists and/or such privilege was waived by the inclusion of a third party:

- i. Clare Bronfman's assertions of a personal attorney-client privilege over written communications between attorneys, Ms. Bronfman, and various applicants for United States visas;
- ii. Nxivm's assertions of an attorney-client privilege over written communications between attorneys, Nxivm representatives, including Ms. Bronfman and/or others, and various applicants for United States visas; and

- iii. Nxivm's assertions of an attorney-client privilege over written communications between Nxivm representatives including Ms. Bronfman and/or others, and Diego Ruiz Duran of CLG Abogados, México.

Having conferred with defense counsel, the government respectfully seeks the Court's leave to file a brief setting forth its position as to these asserted privileges on or before December 28, 2018, to which defense counsel may respond on or before January 11, 2018, with any reply or supplement by the firewall team on or before January 18, 2018.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

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cc: Clerk of Court (NGG) (by ECF)
Counsel of Record (by ECF)